

report of that accident/incident must be made.

(c) All accidents/incidents reported as “claimed but not admitted by the railroad” are given special examination by the FRA, and further inquiry may be ordered. Accidents/incidents accepted as reportable are tabulated and included in the various statistical statements issued by the FRA. The denial of any knowledge or refusal to admit responsibility by the railroad does not exclude those accidents/incidents from monthly and annual figures. Facts stated by a railroad that tend to refute the claim of an injured person are given consideration, and when the facts seem sufficient to support the railroad’s position, the case is not allocated to the reporting railroad.

(d)(1) In preparing a Rail Equipment Accident/Incident Report under this part, the railroad shall make such specific inquiry as may be reasonable under the circumstances into the possible involvement of alcohol or drug use or impairment in such accident or incident. If the railroad comes into possession of any information whatsoever, whether or not confirmed, concerning alleged alcohol or drug use or impairment by an employee who was involved in, or arguably could be said to have been involved in, the accident/incident, the railroad shall report such alleged use or impairment as provided in the current FRA Guide for Preparing Accident/Incident Reports. If the railroad is in possession of such information but does not believe that alcohol or drug impairment was the primary or contributing cause of the accident/incident, then the railroad shall include in the narrative statement of such report a brief explanation of the basis of such determination.

(2) For any train accident within the requirement for post-accident testing under § 219.201 of this title, the railroad shall append to the Rail Equipment Accident/Incident Report any report required by § 219.209(b) (pertaining to failure to obtain samples for post-accident toxicological testing).

(3) For any train or non-train incident, the railroad shall provide any available information concerning the possible involvement of alcohol or drug

use or impairment in such accident or incident.

(4) In providing information required by this paragraph, a railroad shall not disclose any information concerning use of controlled substances determined by the railroad’s Medical Review Officer to have been consistent with 49 CFR 219.103.

[39 FR 43224, Dec. 11, 1974, as amended at 50 FR 31579, Aug. 2, 1985; 54 FR 53279, Dec. 27, 1989]

§ 225.19 Primary groups of accidents/incidents.

(a) For reporting purposes reportable railroad accidents/incidents are divided into three groups:

Group I—Highway-Rail Grade Crossing;
Group II—Rail Equipment;
Group III—Death, Injury and Occupational Illness.

(b) *Group I—Rail-highway grade crossing.* Each highway-rail grade crossing accident/incident must be reported to the FRA on Form FRA F 6180.57, regardless of the extent of damages or whether a casualty occurred. In addition, whenever a highway-rail grade crossing accident/incident results in damages greater than the current reporting threshold to railroad on-track equipment, signals, track, track structures, or roadbed, that accident/incident shall be reported to the FRA on Form FRA F 6180.54. For reporting purposes, damages include labor costs and all other costs to repair or replace in kind damaged on-track equipment, signals, track, track structures, or roadbed, but do not include the cost of clearing a wreck.

(c) *Group II—Rail Equipment.* Rail equipment accidents/incidents are collisions, derailments, fires, explosions, acts of God, or other events involving the operation of railroad on-track equipment, signals, track, track equipment (standing or moving) that result in damages greater than the current reporting threshold to railroad on-track equipment, signals, tracks, track structures, or roadbed, including labor costs and the costs for acquiring new equipment and material. Each rail equipment accident/incident must be reported to the FRA on Form FRA F 6180.54. If the property of more than

one railroad is involved in an accident/incident, the reporting threshold is calculated by including the damages suffered by all of the railroads involved. See § 225.23, Joint Operations. The reporting threshold will be reviewed periodically and will be adjusted every year.

(d) *Group III—Death, injury, or occupational illness.* Each event arising from the operation of a railroad shall be reported on Form FRA F 6180.55a if it results in:

- (1) Death to any person;
- (2) Injury to any person that requires medical treatment;
- (3) Injury to a railroad employee that results in:
 - (i) A day away from work;
 - (ii) Restricted work activity or job transfer; or
 - (iii) Loss of consciousness; or
- (4) Occupational illness of a railroad employee.

(e) The accident/incident reporting threshold for calendar years 1991 through 1996 is \$6,300. This threshold dollar amount will remain in effect until FRA amends that amount and provides notice in the FEDERAL REGISTER. The procedure for determining the reporting threshold will appear as appendix B to part 225.

(Secs. 11144 and 11145, Subtitle IV of Title 49 (49 U.S.C. 11144 and 11145); secs. 1 and 6, Accident Reports Act (45 U.S.C. 431 and 437); sec. 6(e) and (f), Department of Transportation Act (49 U.S.C. 1655(e) and (f)); sec. 1.49(g) and (m), regulations of the Office of the Secretary of Transportation (49 CFR 1.49(g) and (m))

[39 FR 43224, Dec. 11, 1974, as amended at 41 FR 50691, Nov. 17, 1976; 42 FR 1221, Jan. 6, 1977; 47 FR 56358, Dec. 16, 1982; 51 FR 47019, Dec. 30, 1986; 53 FR 48548, Dec. 1, 1988; 55 FR 52847, Dec. 21, 1990; 61 FR 30969, 30973, June 18, 1996]

EFFECTIVE DATE NOTE: 1. At 61 FR 30969, 30973, June 18, 1996, in § 225.19, the second sentence in paragraph (b), the first, third and fifth sentences of paragraph (c) and paragraph (d) were revised; paragraph (e) was added; paragraphs (a) and (b) were amended by removing the word “rail-highway” and adding in its place the word “highway-rail”, effective Jan. 1, 1997. For the convenience of the user, the superseded text is set forth as follows:

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(b) * * * In addition, whenever a rail-highway grade crossing accident/incident results in more than \$6,300 damages to railroad on-track equipment, signals, track, track structures, or roadbed, that accident/incident must be reported to the FRA on Form FRA F 6180.54. * * *

(c) * * * Rail equipment accidents/incidents are collisions, derailments, fires, explosions, acts of God, or other events involving the operation of railroad on-track equipment, signals, track, track equipment (standing or moving) that result in more than \$6,300 in damages to railroad on-track equipment, signals, tracks, track structures, or roadbed, including labor costs and all other costs for repairs or replacement in kind. * * * If the property of more than one railroad is involved in an accident/incident, the \$6,300 threshold is calculated by including the damages suffered by all of the railroads involved. * * * The \$6,300 reporting threshold will be reviewed periodically and will be adjusted in increments of \$100 every 2 years in accordance with the procedures outlined in appendix A of this part.

(d) *Group III—Death, injury or occupational illness.* Each accident/incident, arising from the operation of a railroad, must be reported on Form FRA F 6180.55a if it results in:

- (1) The death of any person from an injury within 365 days of the accident/incident;
- (2) The death of a railroad employee from occupational illness within 365 days after the occupational illness was diagnosed by a physician;
- (3) Injury to any person other than a railroad employee that required medical treatment;
- (4) Injury to a railroad employee that requires medical treatment or results in restriction of work or motion for one or more work days, one or more lost work days, termination of employment, transfer to another job or loss of consciousness; or
- (5) Any occupational illness of a railroad employee as diagnosed by a physician.

§ 225.21 Forms.

The following forms and copies of the FRA Guide for Preparing Accident/Incident Reports may be obtained from the Office of Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590.

(a) *Form FRA F 6180.54—Rail Equipment Accident/Incident Report.* Form FRA F 6180.54 shall be used to report each reportable rail equipment accident/incident which occurred during the preceding month.